LAST THAW JUROR HARD TO EMPANEL

Many More Talesmen Are Found Wanting or Else Have Formed Opinions.

DEFENSE IS INDICATED

Some of the Questions of the Defendant's Counsel Are Very Significant.

THAW FOLLOWS CASE CLOSELY

He is Intensely Interested and Takes an Active Part in the Examination of the Scores of Talesmen.

The Jurors Selected.

NO. 1.-DEMING B. SMITH, retired manufacturer of umbrellas, 253 West 111th street; 50 years old

NO. 2.-GEORGE PFAFF, hardware, 122 Center street; 40 years old and

NO. 3.-GEORGE H. FECKE, manager, 601 West 135th street; 45 years old and married.

NO. 4.-HENRY C. HARNEY, man-

vertising agent, 19 East 16th street;

ager, Brook avenue and 132d street; 60 years old and married. NO. 5.-HARRY C. BREARLEY, ad-

35 years old and married. NO. 6.-MALCOLM F. FRASER,

clothing salesman, 142 West 128th street; 35 years old and married. NO. 7.-CHARLES D. NEWTON, retired railroad official, 266 West

NO. 8.-JOHN S. DENNEE, traveling freight agent of the Southern rallway, 217 East 33d street; 38 years old and unmarried.

134th street; 65 years old and mar-

NO. 9.-HENRY I. KLEINBERGER, slik merchant, 1873 7th avenue; 48 years old and married.

NO. 10.-OSCAR A. PINK, a salesman of 417 145th street; 45 years old and married.

NO. 11 .- WM. F. STEELE, a manufacturer of gas fixtures of 529 West 151st street; 60 years old and mar-

Special Dispatch to The Star. NEW YORK, February 1.-With elever men in the box and over 130 in the two panels in court, the twelfth Thaw juror even dozen talesmen were examined, most found who were satisfactory. The defense had to use three of its challenges, which eight more, as the number has been ex-

The questions asked by the attorneys for both sides this morning went to a great chosen. extent out of the monotonous lines which they have followed heretofore. If there tional insanity" will be at least one and it was practically abolished by the line of questioning which Mr. Gleason tried to use



The Countess of Yarmouth. Sister of Harry Thaw.

examining some of the talesmen. The euestions were ruled out, but they were not put in limbo until after the question of what the form of defense will be was defense by those in a position to know.

Mr. Gleason was questioning Charles Rauchfuss, the fourth talesman to be ex-

"If the court should charge you," he asked, "that the presumption is that the defendant is sane at the beginning of the trial, would you accept the charge?"

"I would," replied the talesman. The next question threw an even stronger "If," asked Mr. Gleason, "the court

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WASHINGTON, D. C., FRIDAY, FEBRUARY 1, 1907-TWENTY-TWO PAGES.

TWO CENTS.

should charge you that after the defense should introduce evidence and contingent testimony tending to show insanity that the prosecution must prove beyond a reasonable doubt that the defendant was sane at the time of the act, would you receive this charge?"

No. 16,931.

Mr. Jerome Sustained. Mr. Jerome immediately objected to the question and was sustained, but the defendant's attorney had established "beyond a reasonable doubt" what the line of de-

fense is to be. Mr. Jerome introduced into his examination today inquiries as to whether the talesmen had been approached since they had been drawn on the panel. This line of questioning developed on the examination of the second talesman.

"Has any one approached you since you were called on this panel and tried to ascertain your opinion on the case?"

When this question was asked Thaw looked up quickly from a letter which he had been reading and gazed fixedly at the district attorney. The talesman had not been approached, he said.

The same talesman had a question asked of him by Mr. Gleason which has not been asked before. Walter C. Gilbert, the talesman, had said that he knew Detective Price of the district attorney's office.

"You don't know Paul Bergoff, do you?" asked Mr. Hartridge. Paul Bergoff was the detective who was said to have followed Thaw's sleuths when they were tracking White after Thaw first became attracted to Evelyn Nesbit. The witness did not know him. This is the second time that the names of the detectives in the case have entered into the questioning.

A few days ago Mr. Jerome asked a talesman if he knew Roger O'Mara, the Pittsburg detective who was Thaw's guardian angel for so many years.

Except for his mother, all the members of Thaw's family were in court this morning. They seem to be getting used to the court atmosphere and are becoming more accustomed to be stared at. They took an active interest in the attempt to get the twelfth juror today, and seemed to enjoy the incidents which went to relieve the usual mo-

Feeling of Uncertainty.

There was a feeling of uncertainty when the trial of Harry K. Thaw opened this morning as to the time when the jury would finally be completed.

The excusing of three of the jurors already chosen yesterday shows how insecure Kleinberger had been excused in the afternoon there was a persistent rumor that still another juror was to go. It was said that his dismissal might not occur until after twelve men had been seated in the box. Both the district attorney's office and Thaw's lawyers send their detectives around to examine closely, it is said, the lives of the jurymen who have been chosen, and if any reason at all appears why the juror is another juror was to go. It was said that any reason at all appears why the juror is not satisfactory to either side a movement is started to get him excused from service. There has probably never been a jury in a criminal case chosen with more care than the one which will sit in judgment on Thaw's life, and no time will be spared to see that it is absolutely satisfactory to both sides. When this morning's session opened it was hoped that the day would yield up the one necessary man, but because of rumors of more excuses this was more of a hope than an expectation.

A New Panel.

The new panel of one hundred more mer apeared in court this morning. This makes five hundred men summoned to court in order that twelve satisfactory ones may be

The new panel was on hand early today.

These talesmen realized that most of them have a short day in court and will get no other chance to see the principals of the case concerning which they have read and heard so much about, and this morning there was a rush to get the seats which furnished the best views of those who unwillingly are the principal actors in what seems to be considered a public spectacle. Some of the anxious talesmen went to the front of the court room and took the seats reserved for Thaw's relatives and had to be put out by the court officers before they would move to less desirable seats. In appearance at least the new panel did not

come up to the quality of the other three. Evelyn Thaw and her friend, Mae McKenzie, returned this morning to their former custom of early arrival. They came fully five minutes before the time for court to open, alone, except for the lunch baskets with which they were burdened. Soon after their arrival Delphin Michael Delmas came in through the side door of the court room. leaned over the rail behind which they sat, and gave them each a handshake and one of his rare smiles. Later, he sat down and had a long and animated conversation

with Mrs. Thaw. The Countess of Yarmouth, Mrs. Carnegie and Josiah and Edward Thaw arrived a

short time later. Mrs. William Thaw Not Present.

Mrs. William Thaw was not in court today because of the inclemency of the weather. Mrs. Carnegie sat next to Mrs. Harry Thaw, and entered into per usual morning conversation with her sister-inlaw. The Countess of Yarmouth took the seat usually occup.ed by Mrs. William Thaw. She bowed to Mrs. Harry '1 .aw and Mae McKenzie, and sat down to watch the proceeding: in court.

The moment the judge and counsel came in, a long conference over the judge's desk pretty well settled in the minds of those followed with Mr. Hartridge, Mr. Jerome who heard them asked. This is the first and Mr. Garvan participating with Justice clear light that has been thrown on the Fitzgerald. The conference lasted until nearly 11 o'clock, when the attorneys went back and took their seats.

Rumor had it that Mr. Jerome is making a great effort to have one of the present jurors excused, and that he and the attorneys for Thaw have not been able to agree upon his dismissal. It is said that a conference on this point was held yesterday afternoon, and this morning's long discussion was another attempt on the part of the state's attorneys to accomplish this same object. If this was true the attempt was unsuccessful apparently, for after the



Center of Harrisburg.

and Water.

ACTOR HAS NARROW ESCAPE

Rescued From Opera House After Crawling Out on Coping and Faints as Help Arrives.

HARRISBURG, Pa., February 1.-Eight buildings in the center of the business district of Harrisburg were either destroyed or badly damaged by a fire early this morning, involving a loss estimated at \$1,000,000. The Grand Opera House block, at 3d and Walnuts streets, in which there were five stores, was destroyed, and nothing is standing but the walls. The Duncan building, on the opposite side of 3d street, occupied by three stores and a pool room, was

also destroyed. While thick clouds of smoke were coming out the windows of the opera house the firemen saw a figure at one of the big windows high up the building. Then came a crash, and what looked like a nude man crawled out on the sill. Standing on the window sill he shricked for a ladder. "Send a ladder up here. Hurry up; send

ladder up here.' More smoke piled out of the windows and slowly a ladder was raised. Its top came within several feet of the window small ladder was hoisted by men on the big adder. The man on the window sill stopped screaming. He swung his arm and the crowd thought he was going to jump.
"Don't jump, boy; hold on," cried the

Fainted When Help Came.

The man got on his knees and crawled out on the window and let his legs hang over. By that time the smaller ladder had reached him and he grabbed the hooks and fitting them onto the sill began to crawl down. Edward Holbert, a fireman, went up to meet him and got the man in his arms. Then the rescued man fainted and had to be carried the rest or the way. He was hurried to the Harrisburg Hospital, where it was found he was not badly hurt. His name is John Smith, his home being in New York. He belongs to the stock company and had been sleeping in one of the dressing rooms when the fire started. The Park Hotel and the Columbus Hotel were badly damaged by fire and water. The United Telephone Company building,

The United Telephone Company building the Security Trust building, the Bijou Theater, Roshon's phetograph studio, College block, the Harrisburg Gas Company building and the buildings occupied by the Har-risburg Cycle and Typewriter Company, the Philadelphia and Albany Dentists and E. G. Hoover, jeweler, were also damaged.

Caused by Explosion. The fire started from an explosion in Pyne's hat store, in the Opera House block, at 2 o'clock, and within an hour had destroyed the playhouse and stores in the building and had leaped across to the west side of 3d street to the Columbus Hetel and College block. The opera house was owned by a Harrisburg syndicate. On the first floors were John Pyne's hat store, Wilson Hoffa's drug store, Miles Frey's cigar store and pool room, the Grand Union Tea Company and W. W. Paul's shoe store.

The opera house stood at the southeast corner of 3d and Walnut streets, facing the store of the store of

was unsuccessful apparently, for after the (Continued on Second Page)

(Continued on Second Page)

Russ, and the contents and equipment by his son Maurice. The damage to the telephone building will not exceed \$5,000. Ad-

joining this building on the west is the Dauphin county prison, which was not Damaged by Water.

The Park Hotel was owned by a Harrisburg syndicate, and was occupied by A Boschelli. The damage to the other build-Destructive Blaze in Business ings and their contents was caused principally by water. The wardrobe and scenery of the Charles K. Champlin Stock Company, which was playing at the Opera. House this week, was destroyed, the loss

A Historic Structure.

The Grand Opera House was one of the foremost playhouses of Pennsylvania, not A NEW so much from a theatrical standpoint as from the part it played in the state's political history. It was built as a Masonic temple, the corner-stone having been laid in 1872, and was opened by Lawrence Barrett and Edwin Booth. Since they played in the building nearly every famous actor and actress appearing in the United States has

been on its stage.

The building began to be used for state convention almost as soon as it was built, and several governors and numerous other ings which assembled within it. It was the only place for conventions in Harrisburg until the Lyceum Theater was built four

PRIZED BY THE PRESIDENT. Tells Nobel President of Appreciation

of Peace Prize.

CHRISTIANIA, Norway, February 1.-In a letter to Foreign Minister Loevland, who is president of the Nobel committee, President Roosevelt, who was awarded the peace prize, December 10 last, writes that he will value the diploma and medal so long as he lives and after his death they will be so highly prized by his children.

The President in informing Minister Loevland of the disposition of the money part of the prize adds that peace among the various classes of society in modern civilization is of just as great importance as peace between nations. He believed therefore that the use to which he was putting the money was entirely in sympathy with the aims of the Nobel foundation.



Senator Burrows of Michigan. (Photo by Staff Photographer.)

More Trouble About Oklahoma's Constitution.

"JIM CROW" CAR PROVISION

Resolution Now in Hands of the President.

DEAL IN WYOMING

Federal Offices in That State All to Go to New Men Ex-

cept One.

President Roosevelt now has an opportu nity to express his views as to "iim crow" laws-separate cars for white and colored people. The question has been put to him in such a way that he will not be able to ignore it, if so disposed. The constitutional convention of Oklaho

ma has passed a resolution asking the President whether he would approve the constitution of that state if it should contain "Jim crow" provisions. The resolution is now in the hands of the President. The President recently issued an ultimatum to the makers of the constitution for the new state of Oklahoma that he would not approve their work if they inserted a clause preventing railroads, coal mines and other large industries from employing men to defend their property in the event of strikes or other causes. Such a provision had been proposed by the committee working on those features, although it had n been acted upon by the convention itself. A story was printed that the President had sent a similar message as to "jim crow" law provisions, and much excite-ment was caused among the delegates to the convention, which is democratic. They appealed to democratic leaders in Washington for advice. So far as known the the "jim crow" proposition, his threat re-lating entirely to the proposed scheme to make railroads helpless in the matter of

Delegate Maguire of Oklahoma says that the President did not talk to him at any time about the separate car provision, confining himself to the railroad and property

The Oklahoma democrats have been advised by many of the national party leadhere to make their constitution as short as possible, and not to encumber it with matters that can safely be left to future legislatures. If this advice is fol-lowed the constitution will not contain anything about separate cars, and will leave the question to be disposed of in the future. The negro question is a consid-erable issue in the new state, the democrats, as elsewhere, seeking to disqualify the negro vote as much as possible. It is practically certain that one of the principal clauses of the constitution will re-strict the negro vote. The President would have opportunity to express an opinion on that also, but it is not believed that he will exercise the authority delegated to him in such a way as to approve or disapprove of the main parts of the new constitution

A New Deal in Wyoming.

Senators Warren and Clark and Repre sentative Mondell of Wyoming have agreed upon a new deal for federal offices in that their home, three miles east of Roosevelt.

In a member of the board of agriculture and happen to know the exact facts in regard to these rice importations.

The only man who will succeed himself, if the recommendations made to the President are carried out, as they no doubt will be, is William E. Chaplin as register of the land office at Laramie.

The recommendations to the President for the other offices in the state are as follows:

United States marshal—Capt, Lewis G.

Davis, Saratogs; succeeding Frank A. Haddill, who had held the office eight years.

Capt. Davis was an officer in Terrey's cavalry regiment in the Spanish-American war.

United States attorney—Henjamin C.

Ausherman of Evanston, in place of Timothy S. Burke, eight years.

Register of the land office at Laramie—William E. Chaplin.

For receiver of the land office at Laramie—William C. Deming of Caeyenne, state, taking the position that eight years

editor of the Cheyenne Tribune, succeeding Deward A. Slack. For register of the land office at Doug-las—John W. Price of Caster, in place of Albert D. Chamberlin. For receiver of the land office at Douglas, samuel Slaynaker of Douglas, succe

N. C. Barrow. President Roosevelt has designated Senator Warren as a member of a committee to meet with representatives of the public lands commission, the American Live Stock Association and the National Wool Growers' Association February 11, at which time consideration will be given to grazing questions.

FAVORABLE ACTION TAKEN.

Local Bills Ordered Reported by Senate Committee.

The Senate committee on the District of Columbia today ordered favorable reports on several bills of local interest.

Senate bill 7526, authorizing the Commissioners to close and open roadways in the District, was considered. A substitute for this bill was approved providing that owners of property may abandon old roadways in cases where they dedicate an equal area in conformity with the highway system. House bill 129, for the opening of a connecting parkway along Piney branch be-

was ordered to be favorably reported. This bill gives the Commissioners authority to condemn twenty-five acres for purposes in-House bill 12690, for the registration of nurses in the District, and House bill 23384, regulating proceedings for the condemnation of land for streets, were also favorably reported. The latter bill authorizes juries to take into consideration the donations of land that have been made by any person

tween 16th street and Rock Creek Park.

land that have been made by any person in fixing the amount of their damages or in A favorable report was also ordered on House bill 24932, for the extension of

School street south of Irving street. House bill 21684, to amend the act regulating the retent on contract of the Dis-trict government was favorably reported. A bill for this purpose was passed at the last session of Congress and the present bill is to cover cases of contracts under way but not completed when the former measure House bill 22350, authorizing the recorder

of deeds to recopy old records in his office, was also ffavorably reported. Not more than \$1,000 a year may be used for this purpose, and the work is to be done under the supervision of the Supreme Court of the District of Columbia. The cost is to be paid from fees collected by the office House bill 23201, to amend the metropolitan police act so that inspectors of the po-lice department shall be included in its

FLEEING FROM FLOODS. Situation in Mississippi Valley Be-

enefits, was also acted upon favorably.

coming Serious. MEMPHIS, Tenn., February 1.-Many people are moving from their homes in the northern part of this city as a result of a break in the protection levee built by the city a year ago. The levee gave way early today and the district north of Poplar boulevard and west of 4th street is now under two feet of water. If the clare is now under two feet of water is now under two feet of water. If the clare is the clare is now under two feet of water is now under two feet of water. If the clare is not have and to the mean friction or general opposition to them exercises in the islands. lar boulevard and west of 4th street is ow under two feet of water. If the river reaches a stage of forty-one feet, which today seems probable, a large area near the business portion of the city will feel

the effects of the flood. Advices from Marion, Ark., say that the levee at Hollybush remains intact, although a break is expected at any hour. The water is lapping the top of the structure, and a large force of men is engaged in strengthening the weaker places. Should a crevasse appear at Hollybush the entire St. Francis basin in Arkansas would receive the rush

of water. At Helena the main levee remains intact. The northern part of that city is flooded from the break in the auxiliary levee which occurred yesterday, and people living in that section have been housed elsewhere. A steady downpour of rain was recorded in the vicinity of Memphis last night. The river this morning marks 39.8 feet, a rise

of eight-tenths since yesterday. CHARLESTON, Mo., February 1 .- The overflowed Mississippi river, which is filled with great blocks of floating ice, has swept away two residences and the school house at Dorent, a village twenty-five miles south of here. The town is remote from railroad or telegraph lines and further advices are at present unobtainable.

HAU HIS OWN COUNSEL.

Washington Man Still Denies German

charged with the murder of his mother-inlaw, was brought here from Karlsruhe yesterday by two policemen and confronted with various persons who had seen him in Frankfort, where he bought a false beard. They all recognized the prisoner, who admitted having purchased the beard and agreed with the statements regarding his other alleged acts and movements in Frankfort, but has continued to deny that he killed rau Molitor. Hau pleaded his own case and question

ed the witnesses in a very clever manner. When the official confrontation was ended the prisoner was taken back to Karlsruhe.

RESCUED IN LIFEBOATS.

Part of Wrecked British Steamer's Crew Reach Shore. LONDON, February 1.-Lifeboats from

Hartlepool this morning rescued twentyfour of the crew of the British steamer Clavering, ashore at the mouth of the Tees, including Capt. Scott. The bodies of nine Lascars who died of exposure during the night were thrown overboard, making the total number of deaths twelve. The vessel is breaking up.

The steamer Clavering, 3,000 tons, bound for Japan, was blown ashore in a heavy gale at the mouth of the Tees during the night of January 30. Difeboats made forts all through yesterday to rescue crew of the vessel, most of whom were Las-cars. Some of them were landed, but several of the crew were unaccounted for last night. The chief officer and two Lascars were drowned through the swamping of a boat.

Mexicans or Nefro?

PHOENIX, Aris., February 1.-Mrs. Harvey Morris and her seven-year-old son were killed yesterday a few hundred feet from their home, three miles east of Roosevelt.

Weather.

Continued unsettled weath er, with occasional rain tonight and tomorrow; warmen

TROUBLE WITH JAPAN

Possibilities of Such a Thing Laughed At

BY RESIDENTS OF HAWALE

Mr. Lorrin A. Thurston's Talk on the Situation.

MILITARY ACTIVITY

Or Organization of Japanese in the

Islands-They Need the

Immigrants There.

Possibilities of trouble with Japan are aughed at by the solid residents of Hawalla One of the planters of the islands, and member of the insular board of agriculture Mr. Lorrin A. Thurston, who is now in Washington, had a talk over the situation with a Star reporter today. He said in general way that the continuation of free Japanese immigration to Hawaii was essenial to the continuance of the island plantae tions. He said, moreover, that the residents of Hawaii would be well satisfied if the Japanese were allowed to come there and were let alone by the residents of California, but he declared that the Hawaiian islands were being continually denuded of their Japanese laborers by emissaries from the Pacific coast, who made a regular business of ene icing them to California. So far as the seare stories of Japanese military activity

in Hawaii were concerned, he said there was not the slightest foundation for them.
In this connection Mr. Thurston said: No Military Activity in Hawaii.

"I do not think there is any foundation for the statement that there is any military activity or organization among the Japanese in Hawaii. Among the large Japanese population there were naturally a number who had served in the army and during the war with Russia several hundred of them returned to Japan to re-enter the army. These men had interests in Hawali and after the war was over many of them returned to Hawaii. It is also natural that among the large number of men discharged from the Japanese army, some of them should emigrate, and some of these men have come to Hawaii. There is nothing apparent however in the results.

chanical trades and to that extent have supplanted white mechanics. We could wish that this were otherwise, but they cannot be prevented from engaging in any business in which they choose. On the other hand, more than one-half of our these Japanese laborers a very large nume er of white mechanics who are now engaged in business in Hawaii would have

gaged in business in Hawaii would have nothing to do.

"If Japanese immigration to Hawaii is stopped it will be a most serious blow to the industry and prosperity of the territory. The shortage of labor prevalent in this country is accentuated in Hawaii. Chinese being excluded by United States law, our only normal source of supply at present is Japan, as the normal source of labor supply of the mainland is from Eusprope. rope.

Difficulty in Securing White Labor. "We recognize the desirability of see

curing white labor in Hawaii, and are dos ing what we can to obtain it, but we are handicapped by the fact that steerage page sage from Europe to the mainland is only about \$25, while to Hawaii it is from \$75 to \$100 per man. On the other hand, the steerage passage from Japan to Hawaii 19 only about \$25. There is no special reason why a European immigrant should go to him three or four times as much as it does to come to the mainland of the United States, where his wages are as high or higher than they will be in Hawaii. and, except on a small scale, the cost is prohibitive for the territory to pay the passage, especially when there is nothing to Murder Charge.

FRANKFORT, Germany, February 1.—
Professor Karl Hau of George Washington University, Washington, D. C., who is "As to the Japanese coming from Hawait to the Pacific coast, it has only been within the last couple of years that this has taken place on any scale. The emigration has not been by virtue of anything done by the people of Hawaii, for they want the Japanese laborers to stay in Hawaii, where they are needed. Neither was it volun-tarily initiated by the Japanese themselves. "The immigration to the Pacific coast from Hawaii has come about by the extreme shortage of labor on the Pacific coast, and by those interested there, more par-

ticularly in the northwest, actively recruite ing labor from the Hawaiian plantations. Recruiting agents from the coast come regularly to the islands, advertise in the newspapers that laborers are needed at the coast, offering higher wages than are paid in Hawali and offering to advance the passages of laborers who will go. On a number of occasions tramp steamers have been sent down and gone from port to port throughout the islands collecting laborers who have been previously notified of the sallings through the papers and tunners. who have been previously notified of the sailings through the papers and runners who have gone from plantation to plantation drumming up recruits. In many cases passages of the laborers were paid for or advanced to them.

"The laborers who go to the coast are largely used on the railroads in the northwest, as fruit pickers in the orchards of California and laborers on the beet sugar plantations in California.

lantations in California. "If a treaty is negotiated with Japan by which laborers are shut out from Hawaii, and they are allowed to come from Hawaii to the Parisa court Hawaii Hawaii and the Parisa court Hawaii to the Pacific coast, Hawaii will speedily be drained of the labor absolutely necessary to carry on its enterprises, and we will be in as abnormal and difficult a situation

as would the eastern portion of the United States be if all immigration from Europe were suddenly arrested. Purely Fictitious and Mischievous. "The telegrams which have recently been sent out from Honolulu as to military ace tivity there are purely fictitious and mise chievous. One of them stated that large amounts of rice were being landed and see

cretly stored. "I am a member of the board of agri-